

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Entered: February 11, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Crucell Holland B.V.,
Junior Party
(Application 10/136,145,
Inventor: Gosse Jan **Adema**),

v.

United States Of America As Represented By
The Secretary Of The Department Of Health And Human Services,
Senior Party
(Patent 5,844,075
Inventors: Yutaka **Kawakami** and Steven A. Rosenberg).

Patent Interference 105,588 (RES)
Technology Center 1600

**Redeclaration - Bd.R. 203(c) and
Order - Miscellaneous - Bd.R. 104(a)**

1 Crucell seeks authorization to file a motion challenging certain of
2 DHHS dependent claims as unpatentable under 35 U.S.C. § 112, ¶ 4 for
3 being improper dependent claims. Paper 22. The request is denied. The
4 motion will not affect the subject matter of the count.

1 The count includes a typographical error in the recitation of the amino
2 acid sequences. The interference is redeclared with the following count
3 (changes in bold):

Count 1

A melanoma vaccine comprising an amino acid sequence selected from the group consisting of (1) Lys Thr Trp Gly **Gln** Tyr Trp Gln Val Leu, and (2) Lys Thr Trp Gly Gln Tyr Trp **Gln** Val.

9 The other conditions of the interference (Paper 1, p. 4) remain
10 unchanged.

/Richard E. Schafer/
Administrative Patent Judge

cc (via electronic filing):

Attorney for Crucell Holland B.V.:

Edgar R. Cataxinos, Esq.
TRASKBRITT, PC
230 South 500 East, Suite 300
Salt Lake City, UT 84102
Tel: 801-532-1922
Fax: 801-531-9168
Email: ercataxinos@traskbritt.com
Email: acturner@traskbritt.com
Email: djmorath@traskbritt.com

Attorney for DHHS:

John Kilyk, Jr., Esq.
LEYDIG VOIT & MAYER LTD
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, IL 60601-6731
Tel: 312-616-5600
Fax: 312-626-5700
Email: jkilyk@leydig.com
Email: bgagal@leydig.com